

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

LINDA C. TOM :
 :
 v. : CIVIL ACTION NO. JFM-98-2218
 :
 NORTHWEST AIRLINES, INC., ET AL.:
 ..oOo..

ORDER

The United States Court of Appeals for the Fourth Circuit affirmed the judgment of this Court on August 30, 2000. On October 6, 2000, the Fourth Circuit denied Ms. Tom's motions for rehearing. The appellate court mandate was issued on October 16, 2000.

On October 18, 2000, defendant Northwest Airlines, Inc. ("Northwest") filed an Appellate Bill of Costs in this Court, seeking the taxation of the \$40.00 appellate appearance fee and \$178.80 in copy work costs for its appellate reply and revised reply brief.¹ (Paper No. 44.)

Under Fed.R.App.P. 39(e), costs incurred in the preparation and transmission of the record; the cost of the reporter's transcript, if necessary for the determination of the appeal; the premiums paid for cost of supersedeas bonds or other bonds to preserve rights pending appeal; and the fee for filing the notice of appeal, ordinarily are taxed in the district courts as costs of

¹ I previously granted Northwest's Bill of Costs on September 19, 2000. (See Paper No. 41.)

OK 11/16/00

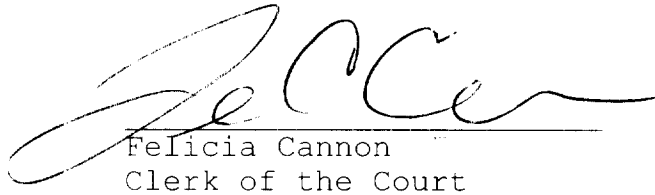
(Signature)

the appeal in favor of the party entitled to costs under this rule.² Pursuant to Local Rule 109.1.a., such costs must be sought within 20 days after entry of the mandate.

Plainly, I am without authority to tax the appellate costs sought by Northwest. These costs would be proper before the Fourth Circuit, not here.³

Thus, in accordance with the foregoing opinion, appellate costs are hereby denied. The Clerk of Court shall docket and mail copies of this Order to the parties.

Dated this 9th day of November, 2000.


Felicia Cannon
Clerk of the Court

² In this Circuit, while costs associated with the appellate docketing fee and the reproduction and printing of briefs and appendices are taxable in the court of appeals, other costs associated with an appeal, such as the fee for preparing the record, are taxable in the district court. *Blackburn v. Reich*, 79 F.3d 1375, 1377-78 (4th Cir. 1996).

³ Pursuant to Fed. R. App. P. 39(d), a party seeking costs in the circuit court must file an itemized and verified bill of costs with the clerk, within 14 days after the entry of judgment.